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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,380	12/12/2003	Satchidanand Mishra	D/A2582 XERZ 2 00610	9765
7590 05/23/2005			EXAMINER	
RICHARD M. KLEIN, ESQ.			DOTE, JANIS L	
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP				
SEVENTH FLOOR			ART UNIT	PAPER NUMBER
1100 SUPERIOR AVENUE			1756	-
CLEVELAND, OH 44114-2579				_

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121) The Mall INC DATE of this communication

The amendment document filed on <u>11 February 2005</u> is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

rec	quired.
TH	IE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT: 1. Amendments to the specification: A. Amended paragraph(s) do not include markings. B. New paragraph(s) should not be underlined. C. Other see the attachment.
	 2. Abstract: A. Not presented on a separate sheet. 37 CFR 1.72. B. Other
	 3. Amendments to the drawings: A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d). B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required. C. Other
	 4. Amendments to the claims: A. A complete listing of all of the claims is not present. B. The listing of claims does not include the text of all pending claims (including withdrawn claims) C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended). D. The claims of this amendment paper have not been presented in ascending numerical order. E. Other:
For http	r further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at p://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf.
TIN	ME PERIODS FOR FILING A REPLY TO THIS NOTICE:
1.	Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted within the time period set forth in the final Office action.
2.	Applicant is given one month , or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

⁻⁻ The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

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Attachment: Notice of NON-COMPLIANT AMENDMENT (37 CFR 1.121)

Only the corrected sections of the non-compliant amendment document must be resubmitted (in its entirety), in this case, the entire "Amendment to the specification" section of applicants' amendment document filed on Feb. 11, 2005, must be resubmitted. 37 CFR 1.121(h).

The "Amendment to the specification" section filed on Feb. 11, 2005, does not comply with 37 CFR 1.121 for the following reason:

Item C: (1) The amended paragraphs, incorrectly identified as replacing the paragraphs beginning at page 3, line 7, at page 6, line 12, and at page 32, line 14, of the specification, should have been identified as paragraphs replacing the paragraphs beginning at page 3, line 8, page 7, line 9, and page 32, line 9, respectively.

- 37 CFR 1.121(b)(1) states that "[a]mendments to the specification . . . which are considered for amendment purposes to an amendment of a paragraph, must be made by submitting: (i) An instruction, which <u>unambiguously identifies</u> the location, to . . . replace a paragraph with one or more replacement paragraphs" (emphasis added).
- (2) The amended paragraph beginning at page 6, line 12, of the specification, tries to amend a paragraph that is not present in the specification. The amended paragraph attempts to insert the word hydrozone, which is already present in the

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paragraph.

37 CFR 1.121(b)(1)(ii) states that "[t]he full text of any replacement paragraph with markings to show all the changes relative to the <u>previous</u> <u>version</u> of the paragraph" (emphasis added).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The central fax phone number is (703) 872-9306.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLD May 16, 2005 imary examiner Group 1500 -

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